

STATE SOIL CONSERVATION—POLICY OF LEGISLATURE

Sec. 5. If any section or provision of this Act shall be held invalid for any reason, the remainder of this Act shall not be in anywise affected.

Sec. 6. The fact that the activity of purchasing tickets for sports events, amusements, and entertainments in Texas for the purpose of later selling such tickets at exorbitant prices to the citizens of Texas desiring to witness such sports events, amusements, or entertainments, is of such a nature as to demand regulation by the State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed by the House, March 27, 1941: Yeas 115, Nays 4; House concurred in Senate amendments, May 15, 1941: Yeas 106, Nays 6; passed by the Senate, as amended, May 14, 1941: Yeas 29, Nays 0.

Approved May 20, 1941.

Effective May 20, 1941.

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H. B. No. 444

CHAPTER 308.

An Act to amend House Bill No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of County Soil Conservation Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts; providing the manner of selection of the supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said supervisors acting for and through such Soil Conservation Districts; providing for the removal of supervisors; providing the manner of filling vacancies; providing for a Board of Adjustment of three (3) members and fixing the method of appointment, the term of office, the duties, and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing for the creation of a Special Fund to be known as the "State Soil Conservation Fund" and appropriating such fund to the State Soil Conservation Board to be used in the administration of this Act; providing for a biennial audit and report to be made to the Governor of the State; providing an appropriation for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, and House Bill No. 978, Regular Session, Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing no action authorized under House Bill No. 20 which action has been taken prior to the effective date of this Act shall be invalidated; providing this Act shall control where inconsistent with other laws; providing separability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 20, Acts of the Forty-sixth Legislature, Regular Session, be and it is hereby amended²³ so as to hereafter read as follows:

²³ Vernon's Ann. Civ. St., art. 165a—4.

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"Section 1. Short Title.

"This Act may be known and cited as the 'State Soil Conservation Law.'

"Sec. 2. Legislative Determinations, and Declaration of Policy.

"It is hereby declared, as a matter of Legislative Determination:

"(a) The Condition. That the farm and grazing lands of the State of Texas are among the basic assets of the State and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the farm and grazing lands of this State by wind and water; that the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any occupier of land to conserve the soil and control erosion upon such land causes a washing and blowing of soil and water from such lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

"(b) The Consequences. That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; and losses in navigation, hydro-electric power, municipal water supply, irrigation developments, farming, and grazing.

"(c) The Appropriate Corrective Methods. That to conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil wastage and soil erosion may be discouraged and discontinued, and appropriate soil-conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops, soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation

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of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

"(d) Declaration of Policy. It is hereby declared to be the policy of the Legislature to provide for the conservation of soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this State, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Constitution of Texas. It is further declared as a matter of Legislative intent and determination of policy that the agencies created, powers conferred and the activities contemplated in this Act for the conservation of soil and water resources and for the reduction of public damage resulting from failure to conserve such natural resources, shall be supplementary and complementary to the work of various river and other authorities now established in the State and to other State officers, agencies, and districts engaged in closely related projects, and shall not be duplicative thereof nor conflicting therewith.

"Sec. 3. Definitions.

"Wherever used or referred to in this Act, unless a different meaning clearly appears from the context:

"(1) 'District' or 'Soil Conservation District' means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this Act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

"(2) 'State District' means one of the five (5) districts established as provided in Section 4, Subsection A of this Act.

"(3) 'Supervisor' means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this Act.

"(4) 'Board' or 'State Soil Conservation Board' means the agency created in Section 4 of this Act.

"(5) 'County Soil Conservation Committee' means the committee selected in each county of the State as provided in Section 4, Subsection B of this Act.

"(6) 'Petition' means a petition filed under the provisions of Subsection A of Section 5 of this Act for the creation of a district.

"(7) 'State' means the State of Texas.

"(8) 'Agency of this State' includes the government of this State and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this State.

"(9) 'United States' or 'Agencies of the United States' includes the United States of America, the Soil Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

"(10) 'Government' or 'Governmental' includes the Government of this State, the Government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise of either of them.

"(11) 'Landowner' or 'Owner of land' includes any natural person who holds title to farm or ranch lands lying within a soil conservation district organized under the provisions of this Act, who has attained the age of twenty-one years, and is a resident of a county, all or any part of which is included in such Soil Conservation District.

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"(12) 'Board of Adjustment' means the agency appointed in accordance with the provisions of Section 10 of this Act.

"(13) 'Due Notice' means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or notice posted for at least two weeks at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs, generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

"(14) 'Land Occupier' or 'Occupiers of Land' includes any person, firm, or corporation who shall hold title to or be in possession of any lands lying within a district organized under the provisions of this Act, whether as owner, lessee, renter, tenant or otherwise.

"Sec. 4. State Soil Conservation Board.

"A. There is hereby established to serve as an agency of the State and to perform the functions conferred on it in this Act, the State Soil Conservation Board. The Board will consist of five (5) members. The following shall serve in an advisory capacity to the Board: The President of The Agricultural and Mechanical College of Texas, the President of Texas Technological College, the Director of Vocational Agriculture of Texas, the State Commissioner of Agriculture and the State Coordinator of the Soil Conservation Service of the United States Department of Agriculture. The five (5) elective members of the Board shall be selected as follows: The State of Texas is hereby divided into five (5) State Districts for the purpose of selecting five (5) members of the State Soil Conservation Board. These five (5) State Districts shall be composed as follows:

"State District No. 1, comprising fifty-one (51) counties: Dallam, Dawson, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Borden, Scurry, Fisher, Foard.

"State District No. 2, comprising fifty-one (51) counties: Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Runnels, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Loving, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Mason, Llano, Blanco, Gillespie, Crockett, Schleicher, Menard, Sutton, Kimble, Val Verde, Edwards, Real, Kerr, Kendall, Bandera, Uvalde, Medina, Kinney, Maverick.

"State District No. 3, comprising fifty (50) counties: Burleson, Lee, Bastrop, Travis, Hays, Comal, Guadalupe, Caldwell, Fayette, Washington, Austin, Colorado, Lavaca, Gonzales, Wilson, Bexar, DeWitt, Jackson, Wharton, Fort Bend, Brazoria, Matagorda, Calhoun, Refugio, Bee, Karnes, Live Oak, Atascosa, McMullen, La Salle, Frio, Duval, Dimmit, Webb, Zapata, Jim Hogg, Starr, Brooks, Hidalgo, Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Jim Wells, Zavala, Goliad, Victoria.

"State District No. 4, comprising fifty-one (51) counties: Lamar, Red River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion,

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Camp, Upshur, Wood, Rains, Van Zandt, Smith, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Shelby, Nacogdoches, Anderson, Freestone, Leon, Robertson, Brazos, Madison, Grimes, Waller, Houston, Walker, Trinity, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Harris, Liberty, Hardin, Orange, Jefferson, Chambers, Galveston.

"State District No. 5, comprising fifty-one (51) counties: Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Fannin, Hunt, Collin, Denton, Wise, Jack, Archer, Baylor, Knox, Haskell, Stephens, Throckmorton, Young, Jones, Shackelford, Palo Pinto, Rockwall, Kaufman, Ellis, Parker, Tarrant, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Callahan, Coleman, Brown, Comanche, Mills, Hamilton, Bosque, Hill, Navarro, Limestone, McLennan, Falls, Milam, Bell, Williamson, Burnet, Lampasas, Coryell.

"B. It shall be the duty of the State Soil Conservation Board to notify the County Judge of all counties in a State District wherein a District Conservation Convention is to be held, as hereinafter provided, at least sixty (60) days prior to the date of such District Convention. The County Judge, upon being notified by the State Board of the date on which the District Convention is to be held, shall, within twenty (20) days appoint a County Soil Conservation Committee of four (4) members. Each committee member so appointed shall be a landowner, and shall be actively engaged in the business of farming or animal husbandry. One member of the County Soil Conservation Committee shall be appointed from each Commissioner's Precinct within the county.

"The County Judge shall, within five (5) days after such appointment, officially notify the persons so selected that they have been appointed as members of such Committee, and the County Judge shall, within five (5) days thereafter, certify the names and addresses of such persons to the State Soil Conservation Board.

"The County Soil Conservation Committee shall select one of its members as chairman, who shall have authority to cast an additional vote in case of a tie and shall be charged with the usual and customary duties of a presiding officer. A majority of the members shall constitute a quorum and the concurrence of a majority of such quorum in any matter within their jurisdiction shall be required for final determination.

"Members of a County Soil Conservation Committee shall receive no compensation for their services except the delegate to the District Conservation Convention who shall receive Five (5) Cents per mile for travel each way between the County Seat of his county and the place where the District Convention is held, and Four Dollars (\$4) per day, not to exceed two (2) days, to be paid by the State Soil Conservation Board.

"C. The County Soil Conservation Committee in each county shall elect one of its members as a delegate to attend the State District Conservation Convention. The name and address of the delegate to the District Convention shall be certified to the State Soil Conservation Board by the Chairman of the County Soil Conservation Committee not less than twenty (20) days prior to the date of the convention. Each State District Conservation Convention shall elect from among the qualified delegates present, by a majority vote, a member of the State Soil Conservation Board. The Chairman of the District Convention shall within five (5) days, certify to the State Soil Conservation Board, and the Secretary of State the name and address of the person elected. A majority of all qualified delegates elected to the State District Convention shall constitute a quorum. Each member of the State Soil Con-

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servation Board shall be a qualified delegate to the State District Convention which elects his successor.

"Board members for Districts 2 and 4 elected in 1941 under the provisions of House Bill No. 20, Acts, Forty-sixth Legislature, Regular Session shall serve for the term for which they were elected, and until their successors are elected and have qualified. On the first Tuesday in May, 1943, at a place within the district to be designated by the State Soil Conservation Board, State District 2 shall elect a board member as hereinabove provided, to serve on the State Soil Conservation Board for a period of five (5) years, and State District 4 shall elect a board member as hereinabove provided to serve on the State Soil Conservation Board for a period of four (4) years. Thereafter, board members elected from State Districts 2 and 4 shall be elected for a period of five (5) years or until their successors are elected and have qualified.

"Board members for districts 1, 3, and 5, elected under the provisions of House Bill No. 20, Acts, Forty-sixth Legislature, Regular Session, shall hold their offices for the terms for which they were elected, and until their successors are elected and have qualified. On the first Tuesday in May, 1942, at a place within the district to be designated by the State Soil Conservation Board, State District 1 shall elect a board member as hereinabove provided to serve on the State Soil Conservation Board for a period of two (2) years, and State District 3 shall elect a board member as hereinabove provided to serve on the State Soil Conservation Board for a period of three (3) years, and State District 5 shall elect a board member as hereinabove provided to serve on the State Soil Conservation Board for a period of four (4) years. Thereafter, board members elected from State Districts 1, 3, and 5 shall be elected for a period of five (5) years or until their successors are elected and have qualified.

"Terms of office of all State Board Members shall begin on the day following their election.

"D. Each member of the State Soil Conservation Board shall take the State Constitutional Oath of Office, and said State Soil Conservation Board shall designate one of its elective members to serve as chairman.

"Vacancies upon such Board shall be filled for an unexpired term or for a full term, by the same manner in which the retiring members were respectively elected. Elective members of the Board may receive compensation for their services on the Board, not to exceed the sum of Ten Dollars (\$10) per diem for each day of actual service rendered, but each member shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties as a member of the Board.

"E. A majority of the elective members of the State Soil Conservation Board shall constitute a quorum and the concurrence of a majority of the elective members in any matter within their duties shall be required for its determination. The State Board shall keep a complete and accurate record of all its official actions, hold such public hearings at such times and places within the State as may be determined by the Board, and shall promulgate such rules and regulations as may be necessary for the performance of the functions of said Board under the provisions of this Act. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, which bonds shall be executed by some solvent company authorized to transact a surety business in this State.

"F. The State Soil Conservation Board may employ an administrative officer and such other agents and employees, permanent and tem-

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porary, as it may require, and shall determine their qualifications, duties and compensation, according to the terms and amounts as specified in the general appropriation bills. The Board may call upon the Attorney General of the State for such legal services as it may require, or may employ its own counsel and legal staff. It shall have authority to delegate to its Chairman, to one or more of its members, or to one or more agents, or employees, such powers and duties as it may deem proper. It shall have authority to locate its office at a point to be selected by the Board.

"G. In addition to the duties and powers hereinafter conferred upon the State Soil Conservation Board, it shall have the following duties and powers:

"(1) To offer such assistance as may be appropriate to the supervisors of Soil Conservation Districts, organized as provided hereinafter, in the carrying out of any of the powers and programs.

"(2) To coordinate the programs of the several Soil Conservation Districts organized hereunder so far as this may be done by advice and consultation.

"(3) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts.

"(4) To disseminate information throughout the State concerning the activities and programs of the Soil Conservation Districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

"H. All moneys, funds, and securities coming into the hands of the State Soil Conservation Board shall be deposited in the State Treasury and placed in the State Treasury to the credit of a special fund to be known as the 'State Soil Conservation Fund'; and all such funds, moneys, and securities hereafter deposited or credited to such fund are hereby appropriated to the use and benefit of the State Soil Conservation Board and may be, by said Board, used in the administration of and in compliance with this Act. Such funds when so placed in the State Treasury shall be under the same care and control by the State Treasury as any money belonging to the State. The Board shall provide and furnish a biennial audit by the State Auditor and Efficiency Expert and a report to the Governor of the State.

"The Board may, by resolution, authorize the Chairman of the Board or the administrative officer to approve all claims and accounts that are payable by the Board. And any claim presented to the Comptroller of Public Accounts carrying such approval will be sufficient authority for the Comptroller to issue his warrant against any appropriation made for the use of the Board, and shall also be sufficient authority for the State Treasury to honor the payment of such warrant.

"Sec. 5. Creation of Soil Conservation Districts.

"A. Any fifty (50) or a majority of the landowners within the limits of that territory proposed to be organized into a district may file a petition with the State Soil Conservation Board asking that a Soil Conservation District be organized to function in the territory described in the petition. Such petition shall set forth:

"(1) The proposed name of said district.

"(2) That there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory described in the petition.

"(3) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate.

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"(4) A request that the State Soil Conservation Board duly define the boundaries of such district; that an election be held within the territory so defined on the question of the creation of a Soil Conservation District in such territory; and that the Board determine that such a district be created.

"Where more than one petition is filed covering parts of the same territory, the State Soil Conservation Board may consolidate all or any such petitions.

"B. Within thirty (30) days after such a petition has been filed with the State Soil Conservation Board, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such district, upon the question of the appropriate boundaries to be assigned to such district, upon the propriety of the petition and other proceedings taken under this Act, and upon all questions relevant to such inquiries. All owners of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the Board shall determine, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety, and welfare, for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination, and shall define, by metes and bounds or by legal subdivisions, the boundaries of such district. In making such determination and in defining such boundaries, the Board shall give due weight and consideration to the topography of the area considered and of the state, the composition of the soils therein, the distribution of erosion, the prevailing land-use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to existing watersheds and agricultural regions, and to other Soil Conservation Districts already organized or proposed for organization under the provisions of this Act, and such other physical, geographical, and economic factors as are relevant, having due regard to the legislative determinations set forth in Section 2 of this Act. If the Board shall determine after such hearing, after due consideration of the said relevant facts, that there is no need for a Soil Conservation District to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon.

"C. After the Board has made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon Soil Conservation Districts in this Act is administratively

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practicable and feasible. To assist the Board in the determination of such administrative practicability and feasibility, it shall be the duty of the Board, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold an election within the proposed district upon the proposition of the creation of the district, due notice of such election shall be given, which notice shall set forth the boundaries of the proposed district. The question shall be submitted by ballots upon which the words, 'For creation of a Soil Conservation District of the lands below described in general terms and lying in the county (ies) of ——— and ———,' and, 'Against creation of a Soil Conservation District of the lands below described in general terms and lying in the county (ies) of ——— and ———,' shall appear. All owners of land within the boundaries of the territory as determined by the State Soil Conservation Board shall be eligible to vote in such election. When a part of a County is included in a district and the voting box of a landowner within the County is not included within the said district, the landowner within the county shall be entitled to vote at the voting box in which his land is located within the district. All elections for creation of districts shall be held in conformity with the general laws of the State except as herein otherwise provided.

"D. The Board shall pay all expenses for the issuance of notices of public hearings and shall supervise the conduct of such hearings. It shall issue appropriate regulations governing the conduct of public hearings and elections, and providing for the registration prior to the date of the election of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such elections. No informalities in the conduct of such elections or any other elections held under this Act or in any manner relating thereto, shall invalidate said election or the result thereof, if notice thereof shall have been given substantially as herein provided, and said election shall have been fairly conducted. •

"E. The Board shall announce the result of such election and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the Board shall give due regard to and weight to the attitudes of the owners of lands lying within the defined boundaries, the number of landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the landowners of the proposed district, the probable expense of carrying on erosion-control operations within such district, and such other economic and social factors as may be relevant to such determinations, having due regard to the legislative determinations set forth in Section 2 of this Act, provided, however, that the Board shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least two-thirds of the votes cast in the election upon the proposition of creating the district shall have been cast in favor of the creation of such district.

"F. If the Board shall determine that the operation of the pro-

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posed district within the defined boundaries is administratively practicable and feasible, it shall divide the district into five (5) subdivisions of approximately equal area, in so far as this may be practicable. The Board shall appoint two (2) supervisors, one each from subdivisions 2 and 4 within the district, to act until at a regular election in subdivisions 2 and 4 their successors are elected and have qualified. Such appointed supervisors, together with the three (3) supervisors elected in accordance with the provisions of Section 6 of this Act, shall be the governing board of the district. One member of the District Board of Supervisors shall be selected from each of the five subdivisions composing the district. The State Soil Conservation Board, in cooperation with landowners, may change the boundaries of the subdivisions from time to time as may be necessary or desirable because of additions of territory to the district. Such district shall be a governmental subdivision of this State and a public body corporate and politic, upon the taking of the following proceedings:

"The two (2) appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth and such application need contain no detail other than the mere recitals: (1) That a petition for the creation of the district was filed with the State Soil Conservation Board pursuant to the provisions of this Act, and that the proceedings specified in this Act were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body corporate and politic under this Act; and that the Board has appointed them as supervisors; (2) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office; (3) The term of office of each of the supervisors; (4) The name which is proposed for the district; and (5) The location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by laws of this State to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a statement by the State Soil Conservation Board, which shall certify (and such statement need contain no detail other than mere recitals) that a petition was filed, notice issued, and hearing held as aforesaid; and the Board did duly determine that there is need, in the interest of public health, safety, and welfare, for a Soil Conservation District to function in the proposed territory and did define the boundaries thereof; that notice was given and an election held on the question of the creation of such district, and that the result of such election showed a two-thirds majority of the votes cast in such election to be in favor of the creation of the district; that thereafter the Board did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the Board.

"The Secretary of State shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other Soil Conservation District of this State or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record them in an appropriate book of record in his office. If the Secretary of State shall find that the name proposed for the district is identical with that of any other Soil Conservation District in this State, or so nearly similar as to lead to con-

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fusion and uncertainty, he shall certify such fact to the State Soil Conservation Board, which shall thereupon submit to the Secretary of State a new name for the said district, which shall not be subject to such defects. Upon receipt of such new name, free of such defects, the Secretary of State shall record the application and statement, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed, and recorded, as herein provided, the district shall constitute a governmental subdivision of this State and a public body corporate and politic. The Secretary of State shall make and issue to the said supervisors a certificate under the seal of the State, of the due organization of the said district, and shall record such certificate with the application and statement. The boundaries of such district shall include the territory as determined by the State Soil Conservation Board as aforesaid, but in no event shall they include any area included within the boundaries of another Soil Conservation District organized under the provisions of this Act.

"G. After six (6) months shall have expired from the date of entry of a determination by the State Soil Conservation Board that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petition may be filed as aforesaid, and action taken thereon in accordance with the provisions of this Act.

"H. Petitions for including additional territory within an existing district may be filed with the State Soil Conservation Board, and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The Board shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this Act for petitions to organize a district. Where the total number of landowners in the area proposed for inclusion shall be less than one hundred (100), the petition may be filed when signed by a two-thirds majority of owners of land in such area, and in such case, no election need be held. In election upon petitions for such inclusion, all owners of land within the proposed additional area shall be eligible to vote; only such landowners shall be eligible to vote.

"I. In any suit, action, or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding, or action of the district, the district shall be deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate duly certified by the Secretary of State shall be admissible in evidence in any such suit, action, or proceeding and shall be proof of filing and contents thereof.

"Sec. 6. Method of Selection, Qualifications, and Tenure of Soil Conservation District Supervisors.

"Within thirty (30) days after the date of issuance by the Secretary of State of a Certificate of Organization of a Soil Conservation District, the State Soil Conservation Board shall designate a time and place within the subdivisions wherein supervisors are to be elected, giving due notice of such designation in each subdivision of the district wherein elections are to be held. The owners of land within each subdivision shall meet at the time and place as designated by the State Soil Conservation Board for the purpose of electing from within the Subdivision a member to the Board of District Supervisors. The qualified voters present shall proceed by electing a chairman, secretary, and tally clerks. Nominations shall be in order, and when nominations have ceased, the nominee shall be announced by the secretary. The

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qualified voters present shall, by a written ballot, cast their vote for their choice from among the nominees. When the votes have been tabulated by the tally clerks, if no candidate has received a majority of the total votes cast, the two candidates receiving the largest number of votes shall be voted on in a second ballot, and the candidate receiving the largest number of votes shall be declared elected.

"The secretary shall record the proceedings of the meeting, and shall, within five (5) days, certify to the State Soil Conservation Board the name and the proper address of the person elected.

"The three (3) members as certified to the State Board shall serve until at a regular election within the subdivisions from which they are elected their successors are elected and have qualified.

"The governing body of the district shall consist of five (5) supervisors, composed of the three (3) supervisors elected as provided hereinabove, together with the two (2) supervisors appointed as provided for in Section 5 of this Act by the State Soil Conservation Board. All five (5) such supervisors shall be owners of land within the subdivision from which they are appointed or elected and shall be actively engaged in the business of farming or animal husbandry.

"The supervisors shall designate a chairman, vice-chairman, and secretary and may, from time to time, change such designation. Each of the supervisors who are appointed or elected upon creation of the district shall serve until at the regular election of supervisors their successors are elected and have qualified. Beginning with the year 1943, other than the first election and appointment of supervisors within a district, all elections for the election of district supervisors shall be held on the first Tuesday in October. On the first Tuesday in October, 1943, elections shall be held in all five (5) subdivisions in each district within the State for election of supervisors, which shall establish a regular period for elections. Terms of office of supervisors elected on the first Tuesday in October, 1943, shall be as follows: Subdivision No. 1, one year; Subdivision No. 2, two years; Subdivision No. 3, three years; Subdivision No. 4, four years; and Subdivision No. 5, five years, or until their successors are elected and have qualified. Their successors in office shall be elected for a term of five (5) years. In districts created thereafter, the two (2) appointed and the three (3) elected supervisors shall serve until the regular period for elections in corresponding subdivisions in all districts, or until their successors are elected and have qualified. Their successors in office shall serve for the regular five-year term. Terms of office of all supervisors elected shall begin on the day following their election.

"Vacancies shall be filled by election for the unexpired term, except that vacancies occurring prior to the first Tuesday in October, 1943, may be filled by appointment by the State Soil Conservation Board. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor may receive compensation for services not to exceed Four Dollars (\$4) for each day he shall be in attendance at the regular meetings of the Board of Supervisors, and Five (5) Cents per mile for travel each way between the residence of a supervisor and the designated business office of the district supervisors. Supervisors shall be paid quarterly for their services, and may not receive compensation and mileage for any number of days in excess of five (5) in any three-month period, except that one member of each Board of Supervisors shall be entitled to receive Four Dollars (\$4) per day not to exceed two (2) days, and Five (5) Cents per mile while attending an annual State-wide meeting of supervisors to be held at a time and place

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to be determined by the State Soil Conservation Board. The provision providing Five (5) Cents per mile for travel for district supervisors shall be in effect September 1, 1941, and thereafter.

"The supervisors may employ such officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the State Soil Conservation Board, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this Act.

"The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings of all resolutions, regulations, and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements. The State Board may demand and pay the expenses of an audit at any time. Any supervisor may be removed by the State Soil Conservation Board, upon notice and hearing, for neglect of duty or malfeasance in office, or if disqualified as a voter within the district, but for no other reason.

"The supervisors may invite the legislative body of any municipality or county located within or near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

"Sec. 7. Powers of Districts and Supervisors.

"A Soil Conservation District organized under the provisions of this Act shall constitute a governmental subdivision of this State and a public body corporate and politic exercising public powers, and such district and the supervisors thereof shall have the following powers, in addition to others granted in other sections of this Act:

"(1) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in Subsection o, of Section 2 of this Act, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupiers of such lands or the necessary rights or interests in such lands;

"(2) To cooperate or enter into agreements with, and, within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this Act;

"(3) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties, and to expend such income in carrying out the purposes and provisions of this Act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act;

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"(4) To make available, on such terms as it shall prescribe, to land occupiers within the districts, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment, as will assist such land occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion;

"(5) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this Act;

"(6) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

"(7) To take over, by purchase, lease, or otherwise, and to administer, any soil conservation, erosion control, or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this State or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil conservation, erosion control, or erosion prevention project within its boundaries; to act as agent for the United States, or any of its agencies, or for this State or any of its agencies in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

"(8) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, to make, and from time to time amend and repeal, rules and regulations not inconsistent with this Act, to carry into effect its purposes and powers;

"(9) As a condition to the extending of any benefits under this Act to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in the form of services, materials, or otherwise to any operation conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

"(10) The supervisors shall have no power to levy taxes, and no debts incurred in the name of the district shall create a lien on lands of landowners or land occupiers in the district.

"Sec. 8. Adoption of Land-use Regulations. When petitioned by fifty (50) or more landowners within the district, the supervisors of any district shall have the authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion. The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work. The

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supervisors shall not have authority to enact such land-use regulations into law until after they shall have caused due notice to be given of their intention to conduct an election for submission of such regulations to the landowners within the boundaries of the district for their indications of approval or disapproval of such proposed regulations, and until after the supervisors have considered the result of such election. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for inspection during the period between publication of such notice and the date of the election. The notices of the election shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words 'For approval of proposed Ordinance No. _____, prescribing land-use regulations for conservation of soil and prevention of erosion,' and 'Against approval of proposed Ordinance No. _____, prescribing land-use regulations for conservation of soil and prevention of erosion,' shall appear. The supervisors shall supervise such election, shall prescribe appropriate regulations covering the conduct thereof, and shall announce the result thereof. All owners of land within the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote. The supervisors shall not have authority to enact such proposed ordinance into law unless at least nine-tenths of the votes cast in such election shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by nine-tenths of the votes cast in such election shall be deemed to require the supervisors to enact such proposed ordinance into law. Land-use regulations prescribed in ordinance adopted pursuant to the provisions of this Section shall have the force and effect of law in the said district and shall be binding and obligatory upon all occupiers of land within such district.

"Any occupier of land within such district may at any time file a petition with the supervisors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the supervisors under the provisions of this Section shall be amended, supplemented, or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this Section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this Section for adoption of land-use regulations or in accordance with variances authorized in Section 10 of this Act; provided, however, that such suspension or repeal may be effected by a majority vote of the qualified voters voting at such election. Elections on adoption, amendment, supplementation, or repeal of land-use regulations shall not be held more often than once in six (6) months.

"The regulations to be adopted by the supervisors under the provisions of this Section may include:

"(1) Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

"(2) Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees, and grasses, forestations, and reforestations;

"(3) Specifications of cropping programs and tillage practices to be observed;

"(4) Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

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"(5) Provisions for such other means, measures, operations, and programs as may assist conservation of soil resources, and prevent or control soil erosion in the district, having due regard to the legislative findings set forth in Section 2 of this Act.

"The regulations shall be uniform throughout the territory comprised within the district except that the supervisors may classify the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened, or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this section shall be printed and made available to all owners and occupiers of land lying within the district.

"Sec. 9. Performance of Work Under the Regulations by the Supervisors. The supervisors shall have authority to go upon any lands within the district to determine whether land-use regulations adopted under the provisions of Section 8 of this Act are being observed.

"Where the supervisors of any district shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of Section 8 hereof are not being observed on particular lands, and that such non observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, the supervisors may present to any Court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the district, and praying the Court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform, the supervisors may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the occupier of such land. Upon the presentation of such petition, the Court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the Court, and to prosecute the same to completion with reasonable diligence, the supervisors may enter upon the lands involved and perform the work or operation or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the occupier of such lands, provided further, that in no case shall the total charge for the work done by said supervisors or anyone under them, and to be charged against said lands, ever exceed for any calendar year, ten (10) per cent of the assessed valuation of said lands for State and county purposes. In all cases where the person in possession of lands who shall fail to perform such work, operations, or avoidances, shall not be the owner, the owner of such lands shall be joined as a party defendant.

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"The Court shall retain jurisdiction of the case until after the work has been completed. Upon completion of such work pursuant to such order of the Court the supervisor may file a petition with the Court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The Court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including reasonable attorney's fee to be fixed by the Court. Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas.

"Sec. 10. Board of Adjustment.

"A. Where the supervisors of any district organized under the provisions of this Act shall adopt an ordinance prescribing land-use regulations in accordance with the provisions of Section 9 hereof, they shall further provide by ordinance for the establishment of a Board of Adjustment. Such Board of Adjustment shall consist of three (3) members, each to be appointed for a term of two (2) years, except that one of the members first appointed shall be appointed for a term of one year, or until his successor is elected and qualified. The members of each such Board of Adjustment shall be appointed by the State Soil Conservation Board, with the advice and approval of the supervisors of the district for which such Board of Adjustment has been established, and shall be removable, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason, such hearing to be conducted jointly by the State Soil Conservation Board and the supervisors of the district.

"Vacancies in the Board of Adjustment shall be filled in the same manner as original appointments, and shall be for the unexpired term of the member whose term becomes vacant. Members of the State Soil Conservation Board and the supervisors of the district shall be ineligible to appointment as members of the Board of Adjustment during their tenure of such other office. The members of the Board of Adjustment shall receive compensation for their services at the rate of Three Dollars (\$3) per diem for time spent on the work of the Board, not to exceed ten (10) days each year to be paid by the State Soil Conservation Board from appropriations made for that purpose.

"The supervisors shall pay the necessary administrative and other expenses of operation incurred by the Board of Adjustment upon the certificate of the chairman of the said Board.

"B. The Board of Adjustment shall adopt rules to govern its procedures which rules shall be in accordance with the provisions of this Act and with the provisions of any ordinance adopted pursuant to this section. The Board shall designate a chairman from among its members, and may, from time to time, change such designation. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Any two (2) members of the Board of Adjustment shall constitute a quorum. The chairman, or in his absence such other member of the Board as he may designate to serve as acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the Board of Adjustment and shall be a public record.

"C. An occupier of land within the district may file a petition with the Board of Adjustment alleging that there are great practical difficulties or unnecessary hardship in the way of his carrying out upon

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his lands the strict letter of the land-use regulations prescribed by ordinance approved by the supervisors, and praying the Board of Adjustment to authorize a variance from the terms of the land-use regulations in the application of such regulations to the lands occupied or owned by the petitioner. Copies of such petition shall be served by the petitioner upon the chairman of the supervisors of the district within which his lands are located and upon the Chairman of the State Soil Conservation Board. The Board of Adjustment shall fix a time for the hearing of the petition and cause due notice of such hearing to be given. The supervisors of the district and the State Soil Conservation Board shall have the right to appear and be heard at such hearing. Any occupier of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings. Any party to the hearing before the Board may appear in person, by agent, or by attorney. If, upon the facts presented at such hearing, the Board shall determine that there are great practical difficulties or unnecessary hardships in the way of applying the strict letter of any of the land-use regulations upon the lands of the petitioner, it shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship. Upon the basis of such findings and determination, the Board of Adjustment shall have power by order to authorize such variance from the terms of the land-use regulations, in their application to the lands of the petitioner, as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest, and such that the spirit of the land-use regulations shall be observed, the public health, safety, and welfare secured, and substantial justice done.

"Sec. 11. Cooperation Between Districts.

"The supervisors of any two (2) or more districts organized under the provisions of this Act may cooperate with one another in the exercise of any or all powers conferred in this Act.

"Sec. 12. State Agencies to Cooperate.

"Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any State-owned lands, and of any county, or other governmental subdivision of the State, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this Act. The supervisors of such district shall be given free access to enter and perform work upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to Section 8 of this Act shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

"Sec. 13. Discontinuance of Districts.

"At any time after five (5) years after the organization of a District under the provisions of this Act, any fifty (50) or a majority of the landowners within the boundaries of such district may file a petition with the State Soil Conservation Board praying that the operations of the district be terminated and the existence of the district discontinued. The Board may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such a petition has been received by the Board, it shall give due notice of the holding of an election, and shall supervise such election and issue appropriate regulations

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governing the conduct thereof, the question to be submitted by ballots upon which the words: 'For terminating the existence of the _____ (name of the Soil Conservation District to be here inserted),' and 'Against terminating the existence of the _____ (name of the Soil Conservation District to be here inserted),' shall appear.

"All owners of land within the boundaries of the district shall be eligible to vote in such election. Only such landowners shall be eligible to vote.

"The Board shall publish the result of such election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the Board shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the Board shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the Board shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of landowners eligible to vote in such election who shall have voted, the proportion of the votes cast in such election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the landowners of the district, the probable expense of carrying on erosion control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in Section 2 of this Act; provided however, that the Board shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

"Upon receipt from the State Soil Conservation Board of a certification that the Board has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall transfer all property belonging to the district to the State Soil Conservation Board which may either dispose of it at public auction, and pay over the proceeds of such sale to be covered into the State Treasury, or make the property available for use by other districts. The supervisors shall thereupon file an application, duly verified, with the Secretary of State for the discontinuance of such district, and shall transmit with such application the certificate of the State Soil Conservation Board, setting forth the determination of the Board that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of as in this section provided and shall set forth a full accounting of such properties. The Secretary of State shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

"Upon issuance of a certificate of dissolution under the provisions of this section, all ordinances and regulations theretofore adopted and in force within such districts shall be of no further force and effect. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Soil Conservation Board shall be substituted for the district or supervisors as party to such contracts. The Board

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shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of Section 9 of this Act, nor the pendency of any action instituted under the provisions of such Section, and the Board shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

"The State Soil Conservation Board shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this Act, more often than once in five (5) years.

"Sec. 14. Appropriations.

"The several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the support and maintenance of the State Soil Conservation Board for the period ending August 31, 1941:

Salaries, State Board at \$10.00 per diem each	\$ 900.00
Traveling expenses, State Board	900.00
Office Rental	550.00
Heat, Light, Water & Contingent	1,000.00
Furniture	200.00
Stationery & Printing	750.00
Telephone and Telegraph	300.00
Postage and Express	300.00
Salary, Administrator	1,500.00
Salary, Stenographer	562.50
Salary, Stenographer	562.50
Salary, Stenographer	562.50
Publication of Notices	100.00
Referenda	500.00
Salaries, District Supervisors	9,600.00
Salary, Field Supervisor	1,146.84
Salary, Administrative Assistant	1,125.00
Travel, Field Supervisor	1,500.00
Total	\$22,058.34"

Sec. 2. Preserving action taken under House Bill No. 20, Acts, Forty-sixth Legislature, Regular Session.

House Bill No. 20, Acts, Forty-sixth Legislature, Regular Session, is hereby repealed; but nothing in this Act, amending House Bill No. 20, Acts of the Forty-sixth Legislature, Regular Session, shall invalidate any action authorized to be taken under said House Bill No. 20, where said action shall have been taken prior to the effective date of this amendment.

Sec. 3. Separability Clause.

If any provisions of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Sec. 4. Inconsistency with other Acts.

In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, except where otherwise indicated in this Act.

TAXES ON STATE PRISON FARM LANDS

Sec. 5. Repealing and Affirming Certain Acts.

A. Senate Bill No. 227, passed by the Regular Session of the Forty-fourth Legislature, page 504, is hereby repealed.

B. This Act shall not in anywise repeal House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

C. This Act shall not in anywise affect, impair, nor impinge upon the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature, under which Wind Erosion Conservation Districts have been created or may hereafter be created, but the same is expressly preserved in accordance with the terms thereof; the State Soil Conservation Board shall have authority, working with the governing bodies of the Wind Erosion Conservation Districts, to put into operation in said Wind Erosion Conservation Districts such provisions of this Act as are not in conflict with the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature.

D. This Act shall not in anywise repeal Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, but the same is hereby expressly preserved in accordance with terms thereof.

Sec. 6. Emergency Clause.

The fact that under the existing House Bill No. 20, Acts of the Regular Session of the Forty-sixth Legislature, sixty-three (63) Soil Conservation Districts have been created over a period wherein not more than twenty (20) districts were anticipated, and whereas the procedure provided requires certain unnecessary and excessive expenditure of the public funds, which may be eliminated by a simplification of such procedure, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills should be read on three several days in each House be and is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Passed by the House, April 1, 1941: Yeas 122, Nays 9; House concurred in Senate amendments, May 7, 1941: Yeas 119, Nays 0; passed by the Senate, with amendments, April 30, 1941: Yeas 22, Nays 2.

Approved May 20, 1941.

Effective May 20, 1941.

APPROPRIATION—TAXES DUE ON CERTAIN STATE PRISON FARM LANDS

H. B. No. 538

CHAPTER 309.

An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Twenty-six Thousand, One Hundred Twenty-three Dollars and Thirteen Cents (\$26,123.13) not otherwise appropriated, to cover the payment of taxes on State Prison Farm lands located in Fort Bend and Brazoria Counties now due and unpaid, exclusive of penalties and interest, by the State of Texas to said Counties and to the Independent School Districts in which said lands are located, for the years 1939 and 1940 and to become due for the years 1941 and 1942; authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the General Revenue Fund of the State of Texas the sum of Twenty-six Thousand, One Hundred Twenty-three Dollars and Thirteen Cents (\$26,123.13) not otherwise appropriated, or such portion thereof as may be necessary, to cover the payment of taxes on State Prison Farm lands located in Fort Bend and Brazoria Counties now due and unpaid, exclusive of penalties and